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EAST TIMOR

State of fear

Statement before the
United Nations
Special Committee on Decolonization

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1. INTRODUCTION

Thank you Mr Chairman for the opportunity to address this Committee and to present to it Amnesty International's concerns about human rights in East Timor.

Amnesty International welcomes the passing of the resolution on East Timor at the 49th session of the United Nations (UN) Commission on Human Rights in March 1993. In expressing deep concern at Indonesia's persistent violation of human rights in East Timor the international community has taken a positive step in addressing the issue of state violence in East Timor. We hope that member states of the UN will continue to press the Indonesian Government to halt the widespread and persistent abuse of human rights in East Timor and to carry out the recommendations contained in the resolution.

The Indonesian Government has in recent months taken a number of initiatives aimed at promoting and protecting human rights, most recently the establishment of a national human rights commission in June. While welcoming these initiatives we remain concerned that the Indonesian Government's stated commitment to human rights has not been matched by concrete measures to remedy past abuses or to prevent future human rights violations from occurring. The Government of Indonesia has consistently failed to respond adequately to serious concerns about human rights in East Timor. Indeed, the government, and particularly the military command, has made it clear that basic human rights can and will be set aside in the name of national security, stability and order. Effectively unchallenged by the international community, and unchecked by domestic legal or political mechanisms, the security forces have continued to commit violations with impunity.

Evidence that human rights violations are being perpetrated in an institutionalized and systematic manner in East Timor is not difficult to find and is borne out by the evidence we wish to present to the committee today.

Since we last addressed the committee in August 1992 there has been no fundamental change in the Indonesian Government's repressive posture towards those

suspected of being pro-independence supporters in East Timor. From the evidence gathered by Amnesty International the military authorities continue to be free to employ virtually any means - including extrajudicial execution, "disappearance", arbitrary detention and torture - in the name of maintaining security and destroying pro-independence groups. There has been a persistent failure to investigate human rights abuses and bring the perpetrators to justice. If the human rights situation in East Timor is to improve concrete measures are urgently needed to remedy the problem. The Indonesian Government shows no signs, however, of taking the requisite measures.

Amnesty International welcomed the second fact-finding mission of the UN Secretary-General's Personal Envoy, Amos Wako, to Indonesia and East Timor in February 1993[1]. Some of the circumstances of the visit, however, are cause for serious concern. For example, the UN Secretary-General was obliged to issue a statement refuting allegations made by an Indonesian Government official that in a meeting with the East Timorese resistance leader, **Xanana Gusmão**, Amos Wako had influenced him to make a strongly worded defence plea. Of additional concern were allegations that the 17 East Timorese with whom the UN delegates had meetings had been unable to speak openly for fear of reprisals and that these conversations may have been recorded by the authorities. These fears would appear to have been justified in view of credible reports that some or all of those who were at liberty at the time they met Amos Wako were later detained for questioning about what had been discussed.

2. POLITICAL PRISONERS AND UNFAIR TRIALS

Amnesty International has repeatedly criticized political trials in both Indonesia and East Timor for consistently failing to meet international standards of fairness, or even to conform with Indonesia's own Code of Criminal Procedure (KUHAP)[2].

The recent trial of **Xanana Gusmão** provides a case in point. Xanana Gusmão was sentenced to life imprisonment on 21 May 1993 after being found guilty of rebellion and illegal possession of firearms. In Amnesty International's view his trial was a travesty of justice. Perhaps the most blatant contravention of fair trial standards was the refusal

[1] The mission took place a year after Amos Wako's initial visit as Personal Envoy of the Secretary-General to gather information concerning the human rights situation in East Timor following the Santa Cruz massacre in November 1991.

[2] For further details of Amnesty International's concerns about political trials see the following reports: *Indonesia/East Timor: A New Order? Human Rights in 1992*, February 1993 (ASA 21/03/93); *Indonesia/East Timor: The Suppression of Dissent*, July 1992 (ASA 21/09/92); *Indonesia: Muslim Prisoners of Conscience*, June 1986 (ASA 21/10/86).

of the trial judge to allow Xanana Gusmão to read his final defence plea. After he had read two pages of a 29-page statement, the presiding judge ordered him to stop, claiming that his remarks were "*irrelevant*". Government officials have since repeated the judge's claim that Xanana Gusmão's remarks were "*irrelevant*". In fact far from being irrelevant, the statement addressed highly sensitive political issues related to the charges, such as the question of Indonesia's sovereignty over East Timor, and it therefore appears that his statement was suppressed in order to prevent Xanana Gusmão from raising publicly such critical issues[3].

[Since his arrest Amnesty International has been seriously concerned for Xanana Gusmão's health and safety. In his suppressed defence statement, Xanana Gusmão stated his intention to go on hunger strike, and there are fears that he may be in poor health. There have also been disturbing reports that he has been beaten in custody in recent weeks. Despite assurances from the Indonesian Government that he is in good health and is not on hunger strike[4] this has not been possible to verify. The fact that neither his family nor the International Committee of the Red Cross (ICRC) have seen him since he was removed from court on 21 May 1993 heightens concern for Gusmão's safety in detention. Amnesty International urges that the ICRC and relatives be given immediate - and thereafter frequent and regular - access to him in prison.]

[Amnesty International is also concerned for the safety of prisoner of conscience[5] **Saturnino da Costa Belo**, who was convicted of *"publicly expressing hostility...toward the government"* in July 1992 and sentenced to 9 years' imprisonment. While giving evidence at Xanana Gusmão's trial in March 1993, Saturnino da Costa Belo shouted pro-independence slogans, following which the hearing was suspended and he was taken away. Later that day an army doctor is reported to have told the court that Saturnino da Costa Belo was "*mentally disturbed*" and not fit to appear in court. He was subsequently taken to the military hospital in Lahane, and from there to Balide prison in Dili, where he was placed in solitary confinement. He is reported to have been told by his military captors that, should he try something of that kind again, he would be shot on the spot.

[3] Amnesty International's concerns about Xanana Gusmão's trial are outlined in *East Timor: Unfair Political Trial of Xanana Gusmão* (ASA 21/05/93, July 1993). The Appendix to the document contains an English translation of Xanana Gusmão's defence statement which was smuggled out of prison.

[4] Statement by Minister of Foreign Affairs Ali Alatas, *Reuters*, 10 June 1993

[5] Amnesty International regards as a prisoner of conscience anyone imprisoned, detained or otherwise physically restricted by reason of his or her political, religious or other conscientiously held beliefs or by reason of his or her ethnic origin, sex, colour or language, provided that he or she has not used or advocated violence.

A week later the presiding judge stated that Saturnino was "*unwell*" and could not testify in person, so his interrogation report was read out.][6]

[In its statement to the Committee in 1992, Amnesty International expressed its serious concerns regarding the trials of 13 East Timorese, including Saturnino da Costa Belo, sentenced to long terms of imprisonment for having organized or participated in the procession which preceded the Santa Cruz massacre, or for having organized a peaceful march in Jakarta one week later to protest against the killings by Indonesian troops at Santa Cruz. Amnesty International considers all to be prisoners of conscience and is calling for their immediate, unconditional release[7]. The Supreme Court has now rejected the final appeal of three of the 13, **Fernando de Araujo, João Freitas da Camara** and **Virgilio da Silva Guterres** (sentenced to nine, 10 and two and a half years respectively). All three have since stated through their lawyer that they will not be applying for presidential clemency as they would consider this tantamount to a confession of guilt. The life sentence of another of the 13, **Gregorio da Cunha Saldanha,** has also been upheld by the Supreme Court. In all four cases the prisoners' lawyer complained that, contrary to official procedure, he had not been notified that the Supreme Court hearings were taking place. In June it was reported that the families and friends of the four prisoners - who are all held in Cipinang prison in Jakarta - have not been permitted to see them and that the four have not been permitted to receive letters sent to them in jail.]

[At least three East Timorese political prisoners, convicted after unfair trials, have been in detention in Cipinang prison for the past nine years since their trials in 1984 for conspiring to commit rebellion with a view to bringing about the secession of East Timor from the Indonesian state. Fifty-five-year-old **Albino Lourdes** is serving a 17-year sentence, as is **Mario (Marito) Nicolau dos Reis,** while **Domingos Seixas** received a 12-year prison term. Being held so far from their families in East Timor they rarely receive visits.]

[Two other East Timorese detained in Cipinang prison who had also been tried in 1984 and sentenced to long prison terms, **Jose Roberto Jeronimo** and **Mariano Bonaparte Soares**, were released on 8 September 1992, while a third detainee **David Dias Ximenes** had been freed a year earlier, on 17 September 1991.]

[6] Parts of the text enclosed in square brackets [] were not included in the oral presentation before the UN Special Committee on Decolonization.

[7] For further information on these trials see *East Timor: "In Accordance with the Law", Statement before the United Nations Special Committee on Decolonization* (ASA 21/22/92, July 1992)

3. ARBITRARY DETENTION AND TORTURE, INCLUDING RAPE[8]

While some detainees are formally charged following their arrest and subsequently tried, the vast majority of people arrested in East Timor are held in arbitrary, unacknowledged detention, frequently incommunicado. The period of detention ranges from a few hours to several months. Most are subjected to physical and psychological abuse before being released without being charged. This pattern of arbitrary detention appears to represent a systematic strategy aimed at silencing real or suspected political opponents of the government and at obtaining political intelligence through coercion and intimidation.

Since July 1992 Amnesty International has learned of the arrest of more than 400 people who have been detained in East Timor either because of their alleged links to pro-independence groups, or because they are relatives or friends of individuals suspected of having such links. The true figure, however, is probably much higher.

All those detained must be considered at serious risk. The use of unacknowledged, arbitrary and often incommunicado detention for interrogation facilitates, even invites torture and other ill-treatment, as a mounting volume of evidence from former detainees makes clear.

[Victims of torture include men and women, young and old. In an interview with a journalist in April 1993 the head of the Catholic church in East Timor, Bishop Belo, said that political prisoners are tortured by Indonesian troops "*just like two plus two is four*". Methods used take many forms. A former political prisoner described his experience while held in Colmera prison in Dili as follows:]

> *["The first thing they do to a prisoner is to beat him and give him blows to the stomach and the chest; he is blindfolded and electric shocks are given; they hit him with iron rods on the back; they step on his feet with their boots; they give electric shocks; they burn his body with cigarettes including his genitals..."]*

[Such treatment is not confined to prisons in Dili. A 24-year-old farmer living in Viqueque experienced similar treatment while he was detained in military custody in Baucau during September and October 1992. He was tortured repeatedly over a five day period during which time he was subjected to beatings and had his genitals and various parts of his body burned with cigarettes. One night he was blindfolded and his hands

[8] The names of the victims of torture described here are known to Amnesty International, but are being withheld for their protection.

were tied before he was taken into the jungle and made to climb into a deep pit. A large rock was placed on him and he remained there for over three hours.]

[Victims of torture in East Timor are frequently women. A 40-year-old widow, and another woman who had recently given birth, were both tortured by members of the military in September 1992 in Baucau. Suspected of giving assistance to a pro-independence group, they were beaten and burned with cigarettes.]

Torture of suspected political opponents has in some cases been so severe that it has resulted in hospitalization or even death. [Two youths, who were among 20 students arrested during a military operation in Baucau district on 24 December 1992, died reportedly as a result of the torture inflicted on them while in detention. **Adelino Gomes Fonseca**, a 27-year-old student from Baucau, was one of them. After being interrogated, he was returned to a room where another of the students was being held. He had been badly beaten, was bleeding and could barely open his eyes because they were so swollen. He was also suffering from severe pains in his chest and was breathing with difficulty. Despite the efforts of his companion to make him as comfortable as possible, Adelino Gomes Fonseca died in the early hours of 25 December 1992.]

[At least one other youth arrested with Adelino Gomes Fonseca, **Fernando Boavida**, also died apparently as a result of torture. During his interrogation Fernando Boavida is said to have been made to lie on a plank covered with sharp nails. When he failed to give what his interrogators regarded as a satisfactory reply, they put another plank on top of him, and placed a tyre on top of the plank. When Fernando Boavida lost consciousness after a second tyre was added, his captors are reported to have poured water over his body to revive him. He died three days after his arrest, on 27 December 1992.]

Torture and ill-treatment is not only confined to those suspected of political opposition. The relatives of real or suspected political opponents - including young girls and elderly men and women - have also been subjected to torture and ill-treatment, including rape, in an effort to make them provide information about the whereabouts or activities of their relatives, or to force those being sought to give themselves up.

[One woman and her family faced several days of torture by members of the military in Baucau who were looking for her 22-year-old son whom they suspected of being an active member of a pro-independence group. The woman, a 50-year-old widow from Baucau, was arrested on 8 September 1992 and interrogated about her son's whereabouts. When she denied knowing where he was, she was reportedly stripped naked, beaten and kicked and given electric shocks. Three days after her arrest, one of her nephews and her unmarried sister-in law were called in for questioning. They too

were interrogated about her son's whereabouts and about the pro-independence group to which the military believed he was linked. They were also tortured. The nineteen-year-old nephew was reportedly beaten, kicked and given electric shocks; he was stripped naked and lighted cigarettes were applied to his genitals and his pubic hair was set alight. For two of the six days that he was detained he was denied food. When he cried out with hunger, he was thrown on the floor by soldiers who then trod on his neck. The 26-year-old unmarried woman was reportedly beaten, kicked, stripped naked and tortured with electric shocks, and repeatedly sexually abused by soldiers during her five days in detention.]

[The three were released several days after their arrest on condition that they try to find two suspects - their relatives - whom the military also wished to question. On 24 September they went to report their efforts to the military. Because the information they provided was deemed "unsatisfactory" the two women were again detained for three days, during which they allege they were beaten and raped. On the third day the 26-year-old woman was taken to a beach by one of the miltiary officers and told to incriminate her sister-in-law as a condition of being released. When she refused to do so, she says she was threatened with death and raped again before being allowed to go home.]

[A number of other cases of rape have been reported to Amnesty International in the last year. One case involved a 16-year-old schoolgirl from Laleia, Manatuto. In November 1992 she was accused by members of the security forces of being a pro-independence sympathizer. After being interrogated about her activities she was apparently raped and tortured by a member of the local military command.]

[In Baucau a 25-year-old student of a senior high school from Quelicai, living in Bahu, was apparently raped repeatedly by a military officer whose name is known to Amnesty International following her arrest on 20 December 1992. Subsequently released, the woman is understood to have become pregnant as a result of being raped.]

Internal banishment

Amnesty International is deeply concerned about reports of individuals being arrested and subsequently "banished" to various regions of East Timor. As of early 1993 at least 30 people who had previously been detained in police custody in Dili were reported to be detained at remote military posts in Lospalos, Viqueque, Manatuto, Aileu, Ainaro and Same. At least 24 of the 30 were people arrested shortly after the Santa Cruz massacre and Amnesty International believes that they may be prisoners of conscience. [The military initially claimed that they had been released. It was only on 9 March 1992 that the then military commander of East Timor, Brigadier General Theo Syafei, admitted

that they were still under military control, having been assigned to company commanders in order to be "*given guidance, to be educated to become sound Indonesians.*"]

[According to information received by Amnesty International detainees undergoing such "guidance" are obliged to act as labourers and servants of the military and are subjected to various forms of abuse. Visits by family members are apparently allowed and those held at military posts in Aileu and Ainaro were permitted to return home for a visit towards the end of 1992 to spend Christmas with their families. At the beginning of 1993 it was reported that six people being held at a military post in Lospalos were being subjected to particularly harsh treatment.

[These are not the only cases that Amnesty International is aware of. Seven detainees who were "released" on 27 October 1992 are said to have been banished to Baucau four days later. A number of people who were arrested in Dili following Xanana Gusmão's arrest in November 1992 are also reported to have been banished to various parts of East Timor including Laga, Baucau, Manatuto, Suai, Ainaro, Lospalos and Viqueque. In Ainaro an allegiance swearing ceremony for a number of people detained in the wake of Xanana Gusmão's arrest is similarly said to have been followed by their banishment to Natarbora[9].]

In Amnesty International's view, the widespread use of arbitrary, unacknowledged detention, both in official detention centres and at military posts, makes it vital that the ICRC be granted regular access to all places of detention. It is therefore of very serious concern that the ICRC was obliged to suspend visits to political prisoners in East Timor last month for the third time this year. The reason for this was that the military were placing unacceptable restrictions on the visits, thus making it impossible to monitor the safety and well-being of political detainees in the territory[10]. These restrictions had been imposed despite assurances by the President and the Minister of Foreign Affairs that unrestricted access to prisoners would be granted.

[9] All former detainees are required to sign and swear an oath of loyalty to the government and the Indonesian state ideology, *Pancasila*, as a condition of their release. Allegiance swearing ceremonies are also conducted among the civilian population.

[10] In 1992 the ICRC faced similar obstacles in carrying out its programme to the extent that it was unable to conduct confidential prison visits in East Timor between March and December 1992.

4. "DISAPPEARANCES" AND EXTRAJUDICIAL EXECUTIONS

The identity of at least 100 civilians, and possibly as many as 250, killed by government forces in the Santa Cruz massacre and its immediate aftermath remains unresolved. [More than eighteen months after the government-appointed Commission of Inquiry was set up, the government has yet to identify the vast majority of those killed[11].]

The Indonesian Government has also failed to resolve the fate of the more than 200 people who reportedly "disappeared" after the massacre. The official government figure of 66 "disappearances" falls far short of the more than 200 people who remain unaccounted for[12]. [Eyewitnesses and relatives of the "disappeared" believe that many were killed and their corpses buried outside Dili or thrown into the sea. Despite the government's repeated claim that it wants to establish the facts, its failure to do so indicates otherwise.] Amnesty International believes that the Indonesian Government has a responsibility to provide a full account of the truth to the relatives of victims of "disappearance" and to ensure that the results of any investigations are made public.

Amnesty International has received reports of dozens of new "disappearances" in East Timor since the massacre. [Some of the victims were later discovered to have been in incommunicado military or police detention. Others are feared to have been killed and their bodies disposed of in secret. The "disappeared" included **Marcos dos Santos** and **Ercolano Soares**, both residents of Dili, who "disappeared" after being detained by the police on 14 July 1992. According to reports, they were beaten by their captors, then taken to the military hospital in Lahane, after which their whereabouts are unknown. Another victim was **Gaspar Xavier Carlos**, who was arrested in early September together with several friends. He is believed to have been held incommunicado in Colmera Prison in Dili for some time, but subsequently "disappeared". Relatives feared that he has been killed.]

Amnesty International has also received reports of at least 45 extrajudicial executions in the eighteen months since the Santa Cruz massacre. These reports, though difficult to confirm, suggest that unlawful killing by Indonesian forces persists in East

[11] For further details of the massacre and its aftermath see the following Amnesty International reports: *East Timor: The Santa Cruz Massacre*, November 1991 (ASA 21/23/91); *East Timor: After the Massacre*, November 1991 (ASA 21/24/91); *Indonesia/East Timor: Santa Cruz - The Government Response*, February 1992 (ASA 21/03/92); *Indonesia/East Timor: Fernando de Araujo - Prisoner of Conscience*, May 1992 (ASA 21/07/92); *East Timor: "In Accordance with the Law" Statement before the UN Special Committee on Decolonization*, July 1992 (ASA 21/11/92).

[12] In November 1992 the UN Working Group on Enforced or Involuntary Disappearances submitted to the Indonesian Government the names of 207 people believed to have "disappeared" at the time of the massacre.

Timor. Amnesty International considers that, in view of past practice, such reports warrant immediate investigation.

[At least two extrajudicial killings are reported to have been carried out by Indonesian forces in the Lospalos region during a period of heightened counter-insurgency activity in the area in mid-1992. A man called **Humberto** was said to have been shot by Indonesian soldiers of Battalion 745 while working in his field in August. According to reports, the soldiers cut off his head and arms and hung them in a tree beside the road to frighten passers by. One month previously **Jose Valente**, a pro-independence activist, was also reported to have been killed by soldiers of Battalion 511 while collecting wood from a village.]

[More recently **Carlos**, a 30-year-old farmer from Dili, was reportedly killed by members of the security forces in April 1993. Two different accounts of his death have emerged. According to a report in the 15 April edition of the *Jakarta Post*, Carlos died as a result of being beaten by a village headman and two police officers after he was arrested following a family dispute. Another report, however, alleges that Carlos was arrested by members of 507 Battalion at 10am on 10 April, and that they killed him in the early hours of the following morning and dumped his body in front of the Chinese cemetery in Dili. In early May, Amnesty International sought clarification from the police authorities in East Timor concerning the exact circumstances of the killing of Carlos, but has to date received no reply.]

We have also been disturbed by reports that a vigilante group, closely linked to Indonesian Government forces, has been operating in East Timor as recently as March 1993. The members of the group are known as *Ninjas*. [In mid-March 1993 three students from Dili, 21-year-olds **Paulo Jeronimo** and **Roberto Belo** and 22-year-old **Jose Antonio**, are reported to have been killed on their way home by *Ninjas*.]

5. A CLIMATE OF FEAR

Regular forms of harassment and intimidation meted out by the military on the civilian population have contributed to the creation of a climate of fear in East Timor. Bishop Belo has described the situation in East Timor thus:

> *["There is always fear. We lack the freedom to speak, to walk where we want, to have different opinions. If people talk, they know they will be interrogated. They will be tortured."]*

[The families and close associates of political detainees may be particularly affected, often being kept under surveillance and subjected to various other forms of harassment.]

[Relatives of prisoner of conscience **Saturnino Belo** are reported to have faced considerable harassment since his arrest in November 1991. They have also become victims of more severe human rights violations. The most serious to date was the extrajudicial execution of **Alcino Freitas Belo**, Saturnino's brother, in October 1992. Claiming that Alcino was a guerrilla, soldiers in Baucau are reported to have seized him from a hospital where he had sought treatment for a bullet wound and then beat him to death. Several days later, on 17 October 1992, 60-year-old **Afonso Freitas**, Saturnino and Alcino's father, was arrested in Ossaluga and detained for several days. Also arrested with him and briefly detained were his daughter and daughter-in-law. These examples of violations perpetrated against the family makes Amnesty International particularly concerned for their safety following Saturnino Belo's actions during Xanana Gusmão's trial (see page 3, above).]

[Relatives of other prisoners of conscience arrested and tried in connection with the Santa Cruz massacre and its aftermath have also faced harassment, intimidation and arrest. Close relatives of prisoner of conscience **João Freitas da Camara** were subjected to interrogation and detention following his arrest, as were members of **Fernando de Araujo's** family. While the majority were subsequently released, one of Fernando's relatives, **Lucas da Silva**, was reported to remain in a military jail in Aileu district as of early 1993. Meanwhile the whereabouts of another family member, **Arnaldo de Araujo,** remained unknown two months after his arrest from his home in Lahane, Dili, in September 1992.]

[At least 20 close associates or relatives of **Xanana Gusmão** were detained and held incommunicado shortly after his arrest on 20 November 1992. There were fears that they may have been tortured or ill-treated while under interrogation or that they were being held as "hostages" in order to make Xanana Gusmão comply with the demands of the authorities.]

The threat of torture, including rape, and other forms of ill-treatment is often used by the security forces as a method of intimidation. [An elderly woman, the wife of a long-term East Timorese political prisoner, who has been called for questioning on several occasions, described her treatment after she was detained for 24 hours in September 1992:]

> [*"I was subjected to rigorous interrogations and whilst I was not beaten I was threatened with a gun if I didn't speak the truth, and*

the pistol was always on the table. They accused me of being an organizer of the youth, and particularly of my children, who according to them I had sent to Kupang, Jakarta and Lisbon with the aim of informing the world of the Indonesian military's activities in East Timor. I responded that I knew nothing about this. They told me that they had proof of the people involved in the clandestine network in Dili and Jakarta, that I should confess to everything, and I was asked about people I didn't know. They threatened me, telling me that it was just as well I was an elderly woman. If I were a man or a younger woman I would be subjected to torture and raped. After each interrogation session they requested that I work together with them, and I accepted although my conscience rebelled against this. Prior to Xanana's capture, my home was often closely watched by the military since they suspected that I was harbouring him and other members of the clandestine network...."]

[Young people are frequently the target of arbitrary arrest in East Timor. Shortly before the meeting of the Non-Aligned Movement which was held in Jakarta in September 1992 at least 50 students were arrested in Dili on the pretext of *"preserving security"* for the summit. They are said to have been interrogated and, in at least some cases, tortured. Young people were again the target of arrests that took place in Dili, Bibileo and Viqueque two months later, apparently in order to prevent any demonstrations from taking place to mark the anniversary of the Santa Cruz massacre.]

[Daily life in East Timor is regularly disrupted by military operations which can cause hardship for the civilian population. Following guerrilla activity in the Lospalos region which had resulted in casualties among the security forces, some military personnel are reported to have fired on a group of people working in their fields as a reprisal. Villagers were also prevented from working on their land. In a document received by Amnesty International in October 1992 the military is reported to have told them:]

["We are asking you to force your brothers and sisters who have taken up arms against us and all those who are still in the bush to surrender. If you don't obey this request of ours, the consequences for you will be grave. We have introduced certain measures and you are going hungry; if you enter your gardens there will be further deaths. This is your fault, but mainly that of Fretilin."]

With members of the Indonesian military present in even small villages, often living in the houses of civilians, and the encouragement given to East Timorese to report the activities of their friends and neighbours, the population faces constant surveillance. The widespread use of arbitrary arrest adds to an atmosphere of tension and unease. [During periods deemed particularly politically sensitive the military presence becomes even more apparent. For example, when the "Lusitania Expresso"[13] was on its way to East Timor in March 1992, many strategic bridges in the country were occupied by Indonesian armed forces. Educational institutions often become a focus of military attention at times of increased tension. For example, military encampments were set up near colleges, as well as along main routes leading from the Dili to the interior, at the time of Xanana Gusmão's trial.]

[The Catholic church hierarchy in East Timor, whom the authorities suspect of being an important source of support for pro-independence groups, is also a particular target of suspicion. Senior church officials are subjected to close surveillance, including the tapping of phones and interception of letters, and members of the clergy face intermittent harassment by the security forces. For example, nuns at the Cannossian dormitory in Baucau district are reported to have faced intimidation by Indonesian troops who had periodically visited them since the Santa Cruz massacre.]

In the face of continuous military threats and intimidation, seven young East Timorese activists sought protection in the Embassies of Finland and Sweden in Jakarta on 23 June. Of the seven, most are known to have been tortured in the years between 1989 and 1991 and three of them were actually shot by Indonesian troops during the Santa Cruz massacre. All were forced to live in hiding for more than a year after the events of November 1991[14].

6. CONCLUSION

Mr Chairman, in this statement we have presented examples of the range of human rights violations carried out in East Timor since we addressed the committee last year, and which continue to this day. They represent only a selection of the cases Amnesty International has documented over the past year. Yet the difficulties inherent in

[13] The Lusitania Expresso was a converted car ferry chartered by East Timor activists to take them from Darwin to Dili to commemorate the Santa Cruz massacre. The Indonesian authorities closed its waters to the ship which was obliged to return to Australia without reaching East Timor.

[14] For further information see: *Indonesia/East Timor: Seven East Timorese Seek Asylum*, 23 June 1993 (ASA 21/13/93); *Indonesia/East Timor: Seven East Timorese Still In Danger*, 5 July 1993 (ASA 21/14/93).

information gathering in East Timor - the control of access to the territory by the Indonesian authorities, monitoring of postal and telephone communications, and the close surveillance of those suspected of disseminating human rights information - indicate that the information we have gathered represents only a fraction of the picture and that the scale of human rights abuse in East Timor may in reality be far greater.

In order to demonstrate its stated commitment to the promotion and protection of human rights, Amnesty International urges the Government of Indonesia to adopt the recommendations of the Commission of Human Rights and to invite the Special Rapporteur on Torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates.

International human rights organizations, including Amnesty International, should also be permitted to visit East Timor on a regular basis, in order to monitor human rights developments. We regret the Indonesian Government's repeated refusal to permit such access which, we fear, reflects a wish on the part of the authorities to conceal the full nature and extent of the violations being perpetrated by Indonesian Government forces in East Timor.

Mr Chairman, we believe that unless the international community takes firm action to ensure that genuine human rights guarantees are implemented, and institutes effective mechanisms to monitor their implementation, the people of East Timor will continue to face the daily threat and reality of serious human rights violations.

Thank you Mr Chairman.

Appendix I

Resolution 1993/97 concerning East Timor
49th Session of the United Nations Commission on Human Rights
March 1993

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and the universally accepted rules of international law,

Bearing in mind the statement on the situation of human rights in East Timor agreed by consensus by the Commission on Human Rights at its forty-eighth session (see E/CN.4/1992/84, para. 457) following the violent incident of 12 November 1991 in Dili,

Recalling resolution 1992/20 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Gravely concerned at continuing allegations of serious human rights violations and noting with concern in this context the reports of the Special Rapporteur on the question of torture (E/CN.4/1993/26), of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46) and of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25),

Bearing in mind the body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in its resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Taking note of the information that the Government of Indonesia has provided the Commission on actions it has taken during the past year,

Welcoming the recent access to East Timor to human rights organizations as well as to some other relevant international observers, but remaining disappointed that such access is still frequently denied,

Having examined the report of the Secretary-General on the situation in East Timor (E/CN.4/1993/49),

1. Expresses its deep concern at the reports of continuing human rights violations in East Timor;

2. Recalls that the Commission has commended the decision of the Government of Indonesia to set up an inquiry commission but regrets that the Indonesian investigation into the actions of the members of its security personnel on 12 November 1991, from which resulted loss of life, injuries and disappearances, failed to clearly identify all those responsible for these actions;

3. Expresses its concern at the lack of information about the number of people killed on 12 November 1991 and at the persons still unaccounted for and urges the Government of Indonesia to account fully for those still missing since 12 November 1991;

4. Regrets the disparity in the severity of sentences imposed on those civilians not indicted for violent activities - who should have been released without delay - on the one hand, and to the military involved in the violent incident, on the other;

5. Calls upon the Government of Indonesia to honour fully its commitments undertaken in the statement on the situation of human rights in East Timor, agreed by consensus by the Commission on Human Rights at its forty-eighth session;

6. Also calls upon the Government of Indonesia to ensure that all the East Timorese in custody, including main public figures, be treated humanely and with their rights fully respected, that all trials be fair, just, public and recognize the right to proper legal representation, in accordance with international humanitarian law, and that those not involved in violent activities be released without delay;

7. Welcomes the greater access recently granted by the Indonesian authorities to human rights and humanitarian organizations, and calls upon the Indonesian authorities to expand this access further;

8. Encourages once again the Indonesian authorities to take the necessary steps to implement the recommendations presented by the Special Rapporteur on the question of torture in his report (E/CN.4/1992/17/Add.1) following his visit to Indonesia and East Timor and to keep the Special Rapporteur informed of the progress made towards their implementation;

9. Urges the Government of Indonesia to invite the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or

Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates;

10. Welcomes the agreement given by the Government of Indonesia to the proposal of the Secretary-General for a new visit to Indonesia and East Timor by his Personal Envoy in the coming months, and invites the Secretary-General to consider transmitting the full reports of Mr. Wako's previous and next visit to the Commission on Human Rights;

11. Also welcomes the resumption of talks on the question of East Timor and encourages the Secretary-General to continue his good offices for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor;

12. Decides to consider the situation in East Timor at its fiftieth session on the basis of the reports of the Special Rapporteurs and Working Groups and that of the Secretary-General, which would include an analytical compilation of all information received from, inter alia, Governments, intergovernmental and non-governmental organizations.

68th meeting
11 March 1993

[Adopted by a roll-call vote of 22 to 12, with 15 abstentions. See Chap. XII.]